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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,292	06/20/2005	Thomas Hahn	BA-22941	8283
178	7590	04/30/2007	EXAMINER	
BUCKNAM AND ARCHER 1077 NORTHERN BOULEVARD ROSLYN, NY 11576				GABLER, PHILIP FRANCIS
ART UNIT		PAPER NUMBER		
3637				
MAIL DATE		DELIVERY MODE		
04/30/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/540,292	HAHN, THOMAS
	Examiner	Art Unit
	Philip Gabler	3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 June 2005.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 20 June 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the guiding means of claim 1, the sealing strips of claims 1, 4, and 5, the single extension of claim 2, and the double extension of claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

3. Claims 1-6 are objected to because of the following informalities: the claims are lacking an article to begin each sentence (e.g. claim 1 should read "A show cabinet for..." rather than "Show cabinet for..."). Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 2 recites the limitation "the side wall" beginning on its first line. There is insufficient antecedent basis for this limitation in the claim.

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7. Claim 3 recites the limitation "the double extension" beginning on its first line.

There is insufficient antecedent basis for this limitation in the claim.

8. Claims 4 and 5 recite the limitation "the sealing strip" in their second lines. Since multiple sealing strips have been recited (see claim 1), it is unclear which is being referred to in these claims and they are accordingly deemed indefinite.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cullen et al. (US Patent Number 5853238) in view of Fenwick (US Patent Number 4148535). Cullen (Figures 3 and 5) discloses a cabinet for displaying objects, having several side panels, a base and an upper part that forms the top, at least one side panel being made in the form of a door (70), the outer side of which closes flush in the area of the outside edge of a side panel at the right- or left-hand side when the cabinet is in the closed state and the interior of the cabinet is sealed off from its surroundings in an airtight and dust-tight manner, appropriate flexible sealing strips (54, etc.) being affixed in the door's area of movement, wherein the door is mounted, by means of a guiding means (60, etc.) affixed in the top or the base or in both the top and the base (it is at least attached in the base), in such a way that it can be moved sideways in a parallel

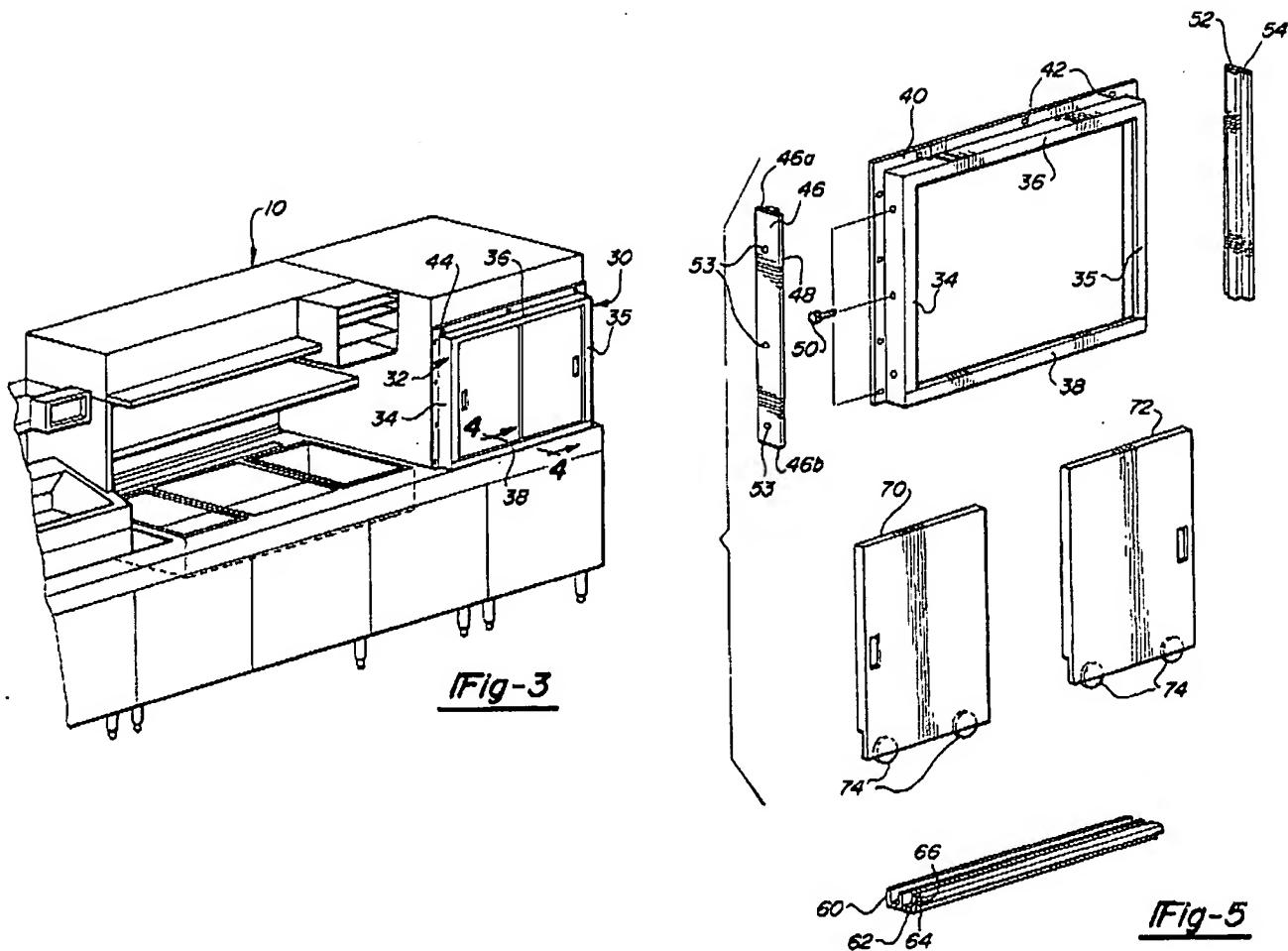
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manner in order to completely clear the door opening, whereby to open the door the relevant side panel (34) could be pushed back by suitable means, or the door can be moved forward by suitable means, to such an extent that the inner face of the door is able to pass the front edge of the side panel (the side panel could be moved to allow additional door motion). Cullen does not disclose a glass door. Fenwick discloses a cabinet with a sliding glass door (62). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a glass door in Cullen's device as taught by Fenwick because this would allow a user to view the contents of the cabinet without opening the door, adding convenience and further protection for the contents.

11. Regarding claims 2 and 3, Cullen, modified by Fenwick as described above, further discloses the side panel is mounted to the top or in the top and the base, and the door is permanently fixed by its guiding device to the cabinet (see figures).

12. Regarding claims 4 and 5, Cullen, modified by Fenwick as described above, further discloses sealing strips (54, etc.) affixed to the cabinet in the area of the side wall and at least one strip lies against the inner face or front edge of the door when the door is closed.

13. Regarding claim 6, Cullen, modified by Fenwick as described above, further discloses the door can be moved to both sides.



Cullen et al. '238 Figures 3 and 5

14. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoffner (US Patent Number 4832421) in view of Cullen and Fenwick. Shoffner (Figures 1 and 2) discloses a cabinet for displaying objects, having several side panels, a base and an upper part that forms the top, at least one side panel being made in the form of a door (30), the outer side of which closes flush in the area of the outside edge of a side panel at the right- or left-hand side when the cabinet is in the closed state and the interior of the cabinet is sealed off from its surroundings in an airtight and dust-tight

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manner, wherein the door is mounted, by means of a guiding means (104, 106, etc.) affixed in the top or the base or in both the top and the base (it is at least attached in the base), in such a way that it can be moved sideways in a parallel manner in order to completely clear the door opening, whereby to open the door the relevant side panel (14) could be pushed back by suitable means, or the door can be moved forward by suitable means, to such an extent that the inner face of the door is able to pass the front edge of the side panel (the side panel could be moved to allow additional door motion). Shoffner does not disclose a glass door or a seal strip. Fenwick discloses a cabinet with a sliding glass door (62). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a glass door in Shoffner's device as taught by Fenwick because this would allow a user to view the contents of the cabinet without opening the door, adding convenience and further protection for the contents. Cullen discloses a cabinet having sealing strips (54, etc.) for sealing an area opened by a door. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use sealing strips as taught by Cullen in Shoffner's device because these would help better seal the cabinet, helping to protect the contents held within the cabinet.

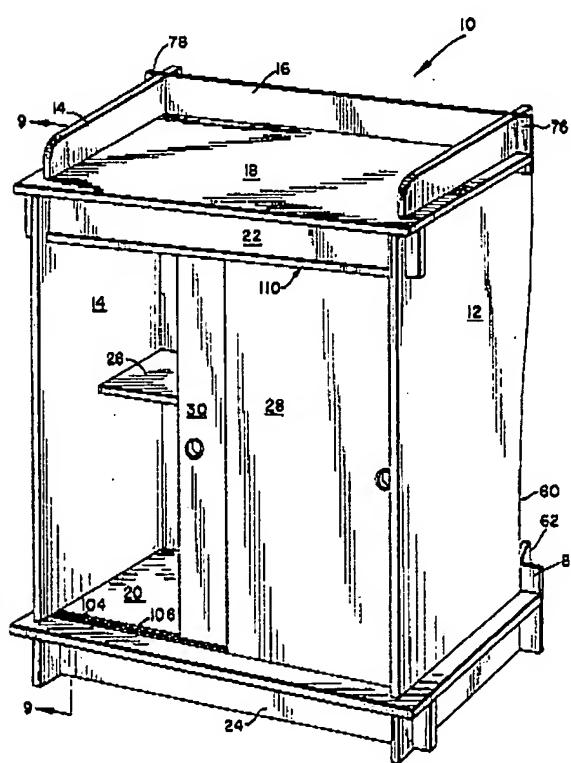
15. Regarding claims 2 and 3, Shoffner, modified as described above, further discloses the side panel is mounted to the top or in the top and the base, and the door is permanently fixed by its guiding device to the cabinet (see figures).

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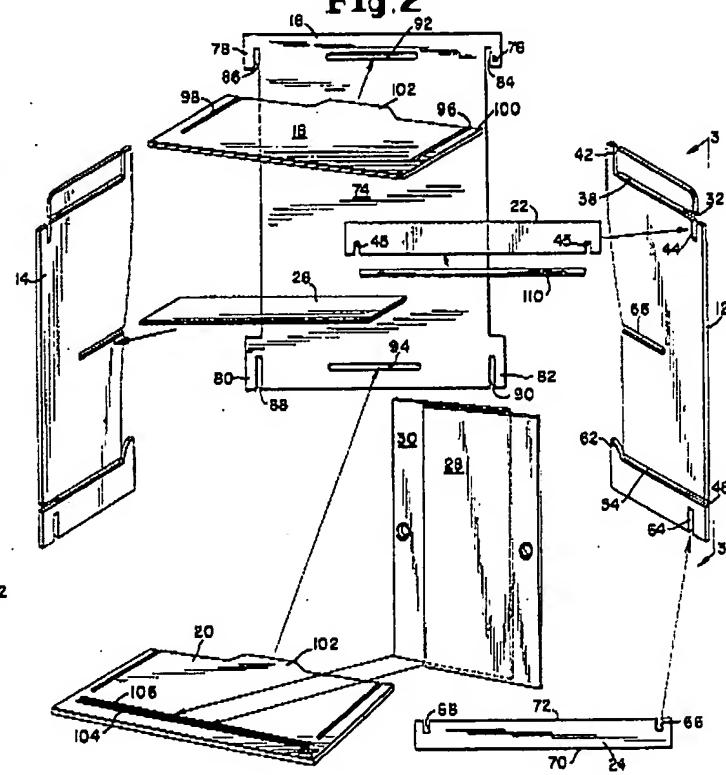
16. Regarding claims 4 and 5, Shoffner, modified as described above, further discloses sealing strips affixed to the cabinet in the area of the side wall and at least one strip lies against the inner face or front edge of the door when the door is closed.

17. Regarding claim 6, Shoffner, modified as described above, further discloses the door can be moved to both sides.

**Fig.1**



**Fig.2**



## Shoffner '421 Figures 1 and 2

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Orawski (US Patent Number 5524977), Essary (US Patent Number 4603787), and Wiley (US Patent Number 3602566) references are cited for disclosing various aspects of the invention of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG  
4/23/2007



JAMES O. HANSEN  
PRIMARY EXAMINER